



ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. 3.

An Act for confirming an Exchange of certain Lands in the Parish of *Wilton* in the County of *Somerset*, heretofore Part of the Augmentation of the Perpetual Curacy of *Hill Bishops* otherwise *Bishops Hull*, in the same County, for certain Lands in the Parish of *Staplegrove* in the same County; and for other Purposes.

[22d July 1848.]

WHEREAS by Indenture of Bargain and Sale bearing Date the First Day of *May* One thousand seven hundred and fifty-six, and made between *John Pepys Jackson* of the First Part, the Governors of the Bounty of *Queen Anne* for the Augmentation of the Maintenance of the Poor Clergy of the Second Part, and the Reverend *James Minifie*, therein described as Curate of the Curacy of *Hill Bishops* in the County of *Somerset* and Diocese of *Bath and Wells*, of the Third Part, and enrolled in the High Court of Chancery on the Eighth Day of *May* One thousand seven hundred and fifty-six, the Lands specified in the First Schedule to this Act annexed, with the Appurtenances, were limited to the Use of the said *James Minifie* and his Successors, Curates of the said Curacy of *Hill Bishops*, for ever, for the perpetual Augmentation of

Indenture of Bargain and Sale, dated 1st May 1756.

[Private.]

1 G. 1. c. 10.

Indenture,
dated 3d July
1824.

the said Curacy; and, after a Recital in the same Indenture contained, that the said Lands did arise from the Bounty of Her then late Majesty Queen *Anne* and from private Benefaction, and had been purchased with Four hundred Pounds arising from such Bounty and Benefaction, the said Governors, by virtue and in pursuance of the last Clause in an Act of Parliament passed in the First Year of the Reign of His then late Majesty King *George* the First, intituled *An Act for making more effectual Her late Majesty's gracious Intentions for augmenting the Maintenance of the Poor Clergy*, did allot and apply to the Church or Chapel of *Hill Bishops* aforesaid all and singular the said Premises, and did thereby declare that the same should for ever thereafter be annexed to the said Church or Chapel of *Hill Bishops*, and be from thenceforth held and enjoyed and go in succession with such Church or Chapel for ever: And whereas at a Court held in and for the Manor of *Taunton Dean* in the said County of *Somerset* on or about the Twenty-eighth Day of *September* One thousand eight hundred and eleven, *Susannah Clitsome* did surrender, and *John Clitsome*, *Catherine Clitsome*, *Elizabeth Susannah Clitsome*, and *Harriet Clitsome* did surrender, release, and acquit, into the Hands of the Lord of the same Manor, the Lands specified in the Second Schedule to this Act annexed, to the Use of *Henry William Rawlins*, his Heirs and Assigns for ever, according to the Custom of the said Manor: And whereas by an Indenture bearing Date the Third Day of *July* One thousand eight hundred and twenty-four, and made between *Thomas Southwood* of the First Part, the said *Henry William Rawlins* of the Second Part, and *John Liddon* of the Third Part, the Freehold Reversion and Inheritance at Common Law of and in the Lands specified in the Second Schedule were expressed to be limited to the Use of such Person or Persons, for such Estate or Estates, Interest or Interests, and upon such Trusts, and for such Ends, Intents, and Purposes, as the said *Henry William Rawlins*, at any Time or Times and from Time to Time, by any Deed or Deeds, Instrument or Instruments in Writing, to be sealed and delivered by him in the Presence of and attested by One, Two, or more credible Witness or Witnesses, should direct, limit, or appoint, and in default of such Direction, Limitation, or Appointment, to the Use of the said *Henry William Rawlins* and his Assigns for his Life, without Impeachment of Waste, with a Limitation to the Use of the said *John Liddon* and his Heirs during the Life of the said *Henry William Rawlins*, upon trust for the said *Henry William Rawlins* and his Assigns, with Remainder to the Use of the said *Henry William Rawlins*, his Heirs and Assigns for ever: And whereas the Right Reverend Father in God *George Henry* late Lord Bishop of *Bath and Wells* was, previously to and at the Time of the Date and Execution of the Indenture next herein-after recited, the Ordinary of the said Perpetual Curacy of *Hill Bishops* otherwise *Bishops Hull*: And whereas the said *Henry William Rawlins*, previously to and at the Time of the Date and Execution of the Indenture next herein-after recited, was, and hath continued ever since to be and still is, the Patron of such Perpetual Curacy: And whereas the said *Henry William Rawlins*, previously to and at the Time of the Date and Execution of the Indenture next herein-after recited, was, and until the Twenty-seventh Day of *March* One thousand eight hundred

dred and forty-four continued to be, the Incumbent of such Perpetual Curacy: And whereas in the Year One thousand eight hundred and thirty the said *Henry William Rawlins* proposed to such Governors that an Exchange should be made of the Lands specified in the Second Schedule for the Lands specified in the First Schedule: And whereas on the Thirtieth Day of *April* One thousand eight hundred and thirty such Governors, according to their Practice in like Cases, issued their Commission of Inquiry as to the Nature and Value of such Lands, directed to Three Clergymen and Three Laymen, requiring such Commissioners, or Three or more of them, by an actual View of the Estates and otherwise, to use their utmost Endeavours to inquire into the Natures and Values of such Lands so proposed to be exchanged, agreeably to the Form of the Queries annexed to such Commission, to which Commission a Return was made, as required by such Commission, under the Hands of Five of such Commissioners: And whereas by an Indenture of Release and Exchange, grounded, as to its Operation as a Release, on a usual Bargain and Sale for a Year precedent thereto, and bearing Date the Sixth Day of *September* One thousand eight hundred and thirty, and made between the said *Henry William Rawlins* of *Bishops Hull* in the said County of *Somerset*, Clerk and Curate of the Curacy of *Bishops Hull* aforesaid in the Diocese of *Bath and Wells*, of the First Part, the said Governors of the Bounty of *Queen Anne* for the Augmentation of the Maintenance of the Poor Clergy of the Second Part, the said *Henry William Rawlins*, as the Patron of the Curacy of *Bishops Hull* aforesaid, of the Third Part, *William Courtenay* of the Fourth Part, the said *John Liddon* of the Fifth Part, and the Right Reverend Father in God *George Henry*, by Divine Permission Lord Bishop of *Bath and Wells*, of the Sixth Part, wherein it was recited that the said *Henry William Rawlins* had proposed to the said Governors to convey the Hereditaments first therein-after described (being the Lands specified in the Second Schedule) in exchange for the Hereditaments secondly therein-after described (being the Lands specified in the First Schedule); and it was also recited that by the Statute passed in the First Year of the Reign of His late Majesty King *George* the First, intituled *An Act for making more effectual Her late Majesty's gracious Intentions for augmenting the Maintenance of the Poor Clergy*, it was amongst other things enacted, that it should be lawful, with the Concurrence of the Governors of the *Queen Anne's* Bounty, and the Incumbent, Patron, and Ordinary of any augmented Living or Cure, to exchange all or any Part of the Estate settled for the Augmentation thereof for any other Estate in Lands or Tithes of equal or greater Value, to be conveyed to the same Uses; and it was also recited that the said Hereditaments belonging to the said *Henry William Rawlins* in his private Capacity, and proposed by him to be conveyed in exchange (being the Lands specified in the Second Schedule), having been found to be not only of equal or greater Value than the Hereditaments conveyed and then belonging to the said Curacy of *Bishops Hull* (being the Lands specified in the First Schedule), but also more convenient and advantageous for the Augmentation thereof, the said *Henry William Rawlins*, as Curate and Patron of the said Curacy, the said Governors, and the said Bishop, had consented and approved of the said Proposal for Exchange,

Indenture,
dated 6th
Sept. 1830.

1 G. 1. c. 10.

Exchange, and all the Parties to the same Indenture had thereupon mutually agreed to make such Exchange accordingly; it was witnessed, that in pursuance of the said Proposal and Agreement, and for carrying the same into execution on the Part of the said *Henry William Rawlins*, and in consideration of the Conveyance therein-after made or intended to be made of the Hereditaments then belonging to the said Curacy, the said *Henry William Rawlins*, by virtue and in pursuance of the Power vested in him by the said Indenture of the Third Day of *July* One thousand eight hundred and twenty-four, and of all other Powers and Authorities, (with the Privity, Consent, and Approbation of the said Governors, the said *Henry William Rawlins*, as Curate and Patron as aforesaid, and the said Bishop, testified by their respective Executions thereof,) did absolutely and irrevocably direct, limit, and appoint that the Hereditaments first therein-after particularly described, and intended to be conveyed in exchange, as therein-after expressed, (being the Lands specified in the Second Schedule,) with the Rights, Members, and Appurtenances, should thenceforth go, remain, continue, and be to the only proper Use and Behoof of the said *Henry William Rawlins*, as Curate for the Time being of the said Curacy, and his Successors, Curates of the same Curacy, for ever, for the perpetual Augmentation of the same, in exchange, as next therein-after mentioned; and it was further witnessed, that for the Considerations aforesaid, and for the nominal Consideration of Five Shillings to the said *Henry William Rawlins* paid by the said *William Courtenay*, the said *Henry William Rawlins* (with such Privity, Consent, and Approbation, testified as aforesaid,) did grant, bargain, sell, alien, release, and exchange unto the said *William Courtenay* and his Heirs the Lands specified in the Second Schedule, by a Description thereof, therein contained, with the Appurtenances, to hold the same Premises unto the said *William Courtenay*, his Heirs and Assigns, to the Use of the said *Henry William Rawlins*, as Curate for the Time being of the Curacy aforesaid, and his Successors, Curates of the same Curacy, for ever, for the perpetual Augmentation of the same, in exchange for the Hereditaments therein-after described, and intended to be by the said *Henry William Rawlins* (with the Concurrence of the said Governors, the said Patron, and the said Bishop respectively,) conveyed and exchanged to the said *Henry William Rawlins*, his Heirs and Assigns, in manner therein-after mentioned; and it was also witnessed, that in further pursuance of the said Proposal and Agreement, and for carrying the same into execution on the Part of the said *Henry William Rawlins*, as Curate as aforesaid, and in consideration of the Conveyance therein-before made or intended so to be, the said *Henry William Rawlins*, as such Curate as aforesaid, (with the Privity and Concurrence of the said Governors and the said Bishop, testified as aforesaid,) did grant, bargain, sell, alien, release, and exchange, and the said Governors, the said *Henry William Rawlins*, as Patron as aforesaid, and the said Bishop, (according to their several and respective Estates and Interests therein,) and each of them, did exchange, ratify, and confirm unto the said *John Liddon*, his Heirs and Assigns, the Lands specified in the First Schedule, by the Description thereof therein contained, with the Appurtenances, to hold the same Premises unto the said *John Liddon*, his Heirs and Assigns, to the Use
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of such Person or Persons, for such Estate or Estates, Interest or Interests, and upon such Trusts, and for such Ends, Intents, and Purposes as the said *Henry William Rawlins*, at any Time or Times and from Time to Time, by any Deed or Deeds, Instrument or Instruments in Writing, to be sealed and delivered by him in the Presence of and attested by One, Two, or more credible Witness or Witnesses, and to be attested by the same Witness or Witnesses, should direct, limit, or appoint, and in default of such Direction, Limitation, or Appointment, to the Use of the said *Henry William Rawlins* and his Assigns for and during the Term of his natural Life, without Impeachment of Waste, with a Limitation to the Use of the said *John Liddon* and his Heirs during the natural Life of the said *Henry William Rawlins*, upon trust for the said *Henry William Rawlins*, with Remainder to the Use of the said *Henry William Rawlins*, his Heirs and Assigns for ever, in exchange for the said Closes, Pieces, or Parcels of Land, Hereditaments, and Premises therein-before first particularly described, and by the said *Henry William Rawlins* conveyed in exchange, for the perpetual Augmentation of the said Curacy of *Bishops Hull* aforesaid, in manner therein-before expressed; and it was thereby provided, and it was the true Intent and Meaning of the said Indenture and of the said Parties thereto, that if it should happen that either the said *Henry William Rawlins*, his Heirs, Appointees, or Assigns, or the Curate for the Time being of the Curacy of *Bishops Hull* aforesaid, or his Successors, should at any Time be lawfully ousted or evicted of or from the Possession of the said Hereditaments and Premises so conveyed to them respectively in exchange as aforesaid, or of or from the Possession of any Part thereof respectively, by any Right or Title precedent to the Execution of the said Indenture, then and in any such Case the said Indenture, and every Article, Matter, and Thing therein contained, should be utterly void and of none Effect, and then and from thenceforth it should and might be lawful to and for all and every the Person and Persons, and his, her, or their Successors, Heirs, Appointees, or Assigns, out of whose Possession the Hereditaments and Premises respectively intended to be thereby exchanged as aforesaid should be lawfully evicted or taken away, from and immediately after such Eviction, Ejection, or taking away, to enter into and upon his, her, or their former Hereditaments and Premises so thereby respectively conveyed in exchange as aforesaid, and to have, hold, receive, and enjoy the same again, as in his, her, and their first and former Estate or Estates, anything therein contained to the contrary thereof in anywise notwithstanding: And whereas in the Year One thousand eight hundred and thirty-nine the Lands specified in the First Schedule were sold by the said *Henry William Rawlins* for the Sum of Two thousand five hundred Pounds, and accordingly, by Indentures of Lease and Release bearing Date respectively the Twelfth and Thirteenth Days of *November* One thousand eight hundred and thirty-nine, the Indenture of Release being made between the said *John Liddon* and *Henry William Rawlins* of the one Part, and *Richard Carver* of the other Part, the same Lands, with the Appurtenances, were limited to certain Uses therein expressed, for the Benefit of the said *Richard Carver*, his Appointees, Heirs, and Assigns: And whereas on the Twenty-seventh Day of *March* in the Year One thousand eight hundred

[Private.]

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and forty-four the said *Henry William Rawlins* ceased to be the Incumbent of such Perpetual Curacy: And whereas on the Fifteenth Day of *April* One thousand eight hundred and forty-four the Reverend *Edward Everard* Clerk, Doctor in Divinity, was licensed to the said Perpetual Curacy, and hath ever since been and still is the Incumbent thereof: And whereas the Honourable and Right Reverend *Richard* by Divine Permission Lord Bishop of *Bath and Wells* is now the Ordinary of such Perpetual Curacy: And whereas the Lands specified in the Second Schedule have ever since the making of such Exchange been and still are held and enjoyed by the Incumbent for the Time being of such Perpetual Curacy: And whereas the Lands specified in the First Schedule were from the making of such Exchange to the Time of such Sale held and enjoyed by the said *Henry William Rawlins* in his private Capacity, and have ever since the same Sale been and still are held and enjoyed by the said *Richard Carver*, and divers Persons claiming under him, and he and they respectively have expended large Sums of Money in building on and otherwise improving the same Lands: And whereas, although the Fact of the Lands specified in the First Schedule being situate within a Mile from the Town of *Taunton* was, as appears by such Return, taken into consideration by such Commissioners in estimating the Amount which the same Lands were fairly worth, nevertheless Doubts have recently been raised whether such Exchange might not be impeached on the Ground that the said *Henry William Rawlins* acted therein in his Capacities of Patron and Incumbent in respect of the Lands specified in the First Schedule, and of private Owner in respect of the Lands specified in the Second Schedule, and that by reason of the Lands specified in the First Schedule having been subsequently sold for a larger Sum than the Amount of the Value set upon the same by such Commissioners the same Lands were at the Time of making such Exchange in fact, though not apparently, of greater Value than the Lands specified in the Second Schedule: And whereas the said *Henry William Rawlins* is willing and has proposed to pay to such Governors the Sum of One thousand one hundred Pounds, (being the Amount by which the Purchase Money paid to him by the said *Richard Carver* for the Lands specified in the First Schedule exceeded the Amount at which the same Lands were valued by such Commissioners,) to be by such Governors held and applied as herein-after expressed for the perpetual Augmentation of such Perpetual Curacy, and also to pay to or for the Benefit of the said *Edward Everard*, or other the Incumbent for the Time being of such Perpetual Curacy, Interest after the Rate of Three Pounds *per Centum per Annum* on the same Sum from the said Twenty-seventh Day of *March* One thousand eight hundred and forty-four, and such Governors, the said *Richard* Lord Bishop of *Bath and Wells*, and the said *Edward Everard* are respectively satisfied with such Proposal: And whereas it is expedient that such Exchange should be confirmed, and that such Perpetual Curacy should be augmented, according to such Desire of the said *Henry William Rawlins*; but the same cannot be effected without the Aid and Authority of Parliament: Wherefore Your Majesty's most dutiful and loyal Subjects, the said Governors of the Bounty of Queen *Anne* for the Augmentation

tation of the Maintenance of the Poor Clergy, the said Honourable and Right Reverend *Richard* by Divine Permission Lord Bishop of *Bath and Wells*, the said *Henry William Rawlins*, and the said *Edward Everard*, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in case the said *Henry William Rawlins*, his Heirs, Executors, Administrators, or Assigns, or any Person or Persons claiming under him, shall, within Six Calendar Months next after the passing of this Act, pay to the Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the Poor Clergy the Sum of One thousand one hundred Pounds of lawful Money current in *Great Britain*, with Interest thereon after the Rate of Three Pounds *per Centum per Annum* from the Twenty-seventh Day of *March* One thousand eight hundred and forty-four, and also in case the said *Henry William Rawlins*, his Heirs, Executors, Administrators, or Assigns, or any such Person or Persons as aforesaid, shall, within such Six Calendar Months, procure the recited Indenture of the Sixth Day of *September* One thousand eight hundred and thirty to be enrolled of Record in Her Majesty's Court of Common Pleas at *Westminster*, the Exchange effected by the same Indenture shall be and the same is hereby declared to be, as from the Time of the making thereof, valid, binding, and effectual, to all Intents and Purposes whatsoever; but nevertheless subject and without Prejudice to the recited Proviso for Remitter in the same Indenture contained.

Exchange effected by Indenture, dated 6th Sept. 1830, confirmed, on Payment of 1,100*l.* and Interest by Henry William Rawlins to the Governors of Queen Anne's Bounty.

II. And be it enacted, That the Receipt in Writing under the Hand of the Treasurer for the Time being of such Governors, and which shall be enrolled of Record in such Court of Common Pleas within Twelve Calendar Months next after the passing of this Act, for such Sum of One thousand one hundred Pounds, and the Interest thereof, shall be sufficient and conclusive Evidence of the due Payment of the same to such Governors; and of such Payment having been made within Six Calendar Months next after the passing of this Act.

Receipt of the Treasurer of the Governors, to be enrolled of Record, to be Evidence of Payment.

III. And be it enacted, That in case such Sum of One thousand one hundred Pounds shall be paid to such Governors within such Six Calendar Months, it shall be appropriated by them to the said Perpetual Curacy of *Hill Bishops* otherwise *Bishops Hull*, and shall be applicable and disposable by them for the Benefit and Augmentation of the said Perpetual Curacy, in such and the same Manner, and with such and the same Powers and Authorities in all respects, according to the Rules, Orders, and Constitution for the Time being in force for the Management of the said Bounty, and the Provisions of any Act or Acts of Parliament in that Case made and provided, as if the said Sum of One thousand one hundred Pounds were then originally appropriated by the said Governors to the said Perpetual Curacy out of the general Funds and Profits of the said Governors, or otherwise for the Benefit and Augmentation thereof: Provided always, that it shall be lawful for such Governors (if they shall so think

The Sum of 1,100*l.* to be applied by the Governors for the perpetual Augmentation of the Curacy.

think fit) to apply and dispose of the whole of the said Sum of One thousand one hundred Pounds, or any Stocks or Funds which may be purchased therewith, or any Part thereof respectively, in such Manner as they shall at any Time or Times deem advisable, in or towards the building or purchasing or otherwise providing a House and other proper Erections, with any Land near or adjoining thereto, convenient and suitable for the Residence of the Incumbent of the said Perpetual Curacy of *Hill Bishops* otherwise *Bishops Hull*, which House shall for ever thereafter be deemed the Parsonage House appertaining to such Perpetual Curacy to all Intents and Purposes whatsoever.

The Interest on the 1,100*l.* to be paid by the Governors to the Incumbent of the Curacy.

IV. And be it enacted, That in case such Interest on such Sum of One thousand one hundred Pounds shall be paid to such Governors within such Six Calendar Months, they shall, if the said *Edward Everard* shall continue the Incumbent of such Perpetual Curacy up to the Time of such Payment thereof, pay the same unto the said *Edward Everard*, his Executors, Administrators, or Assigns, for his and their own Use, or if he shall cease to be such Incumbent before such Time of Payment, pay unto the said *Edward Everard*, his Executors, Administrators, or Assigns, a proportionate Part thereof up to the Period of his ceasing to be such Incumbent, for his or their own Use, and unto the next succeeding Incumbent of such Perpetual Curacy, his Executors, Administrators, or Assigns, the Residue thereof, for his or their own Use.

General Saving.

V. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every other Person or Persons, Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, Administrators, and Assigns respectively, (other than and except, as regards the Lands specified in the First Schedule, the said Governors, their Successors and Assigns, the said *Richard Lord Bishop of Bath and Wells*, and other the Ordinary for the Time being of the said Curacy, the said *Henry William Rawlins* as such Patron and late Incumbent, the said *Edward Everard* as such present Incumbent, and other the Patron and Incumbent respectively for the Time being of the said Perpetual Curacy, and their respective Heirs, Executors, Administrators, and Assigns, and also other than and except, as regards the Lands specified in the Second Schedule, the said *Henry William Rawlins*, and all and every Persons and Person to whom any Estate, Right, Title, or Interest hath descended or devolved, or may descend or devolve, under or by virtue of the recited Surrender of the Twenty-eighth Day of *September* One thousand eight hundred and eleven, the recited Indenture of the Third Day of *July* One thousand eight hundred and twenty-four, or the Limitations of the same Lands contained in the said recited Indenture of the Sixth Day of *September* One thousand eight hundred and thirty,) all such Estate, Right, Title, Interest, Claim, or Demand whatsoever, of, in, to, out of, upon, or concerning the Lands specified in the Two Schedules respectively, and every or any Part thereof respectively, as they or any or either of them had before the passing of this Act, or might have had if this Act had not passed.

VI. And

VI. And be it enacted, That this Act shall be printed by the several Printers to the Queen's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom, and a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others.

Act as printed
by Queen's
Printers to
be Evidence.

The FIRST SCHEDULE to which the Act refers.

Lands in the Parish of Wilton in the County of Somerset.

DESCRIPTION.	Quantities in Statute Acres.		
	A.	R.	P.
Upper Field, or Haines's Five Acres - - -	4	1	23
Middle Field, otherwise Little Field, or Haines's Five Acres - - -	5	0	0
Lower Field, or Haines's Six Acres - - -	4	1	22
	13	3	5

Edwards Beadon.

The SECOND SCHEDULE to which the Act refers.

Lands in the Parish of Staplegrove in the County of Somerset.

DESCRIPTION.	Quantities in Statute Acres.		
	A.	R.	P.
Langlands, otherwise Langleys - - -	2	2	38
Part of Long Six Acres - - -	1	0	0
Raghill - - -	9	3	0
	13	1	38

Edwards Beadon.